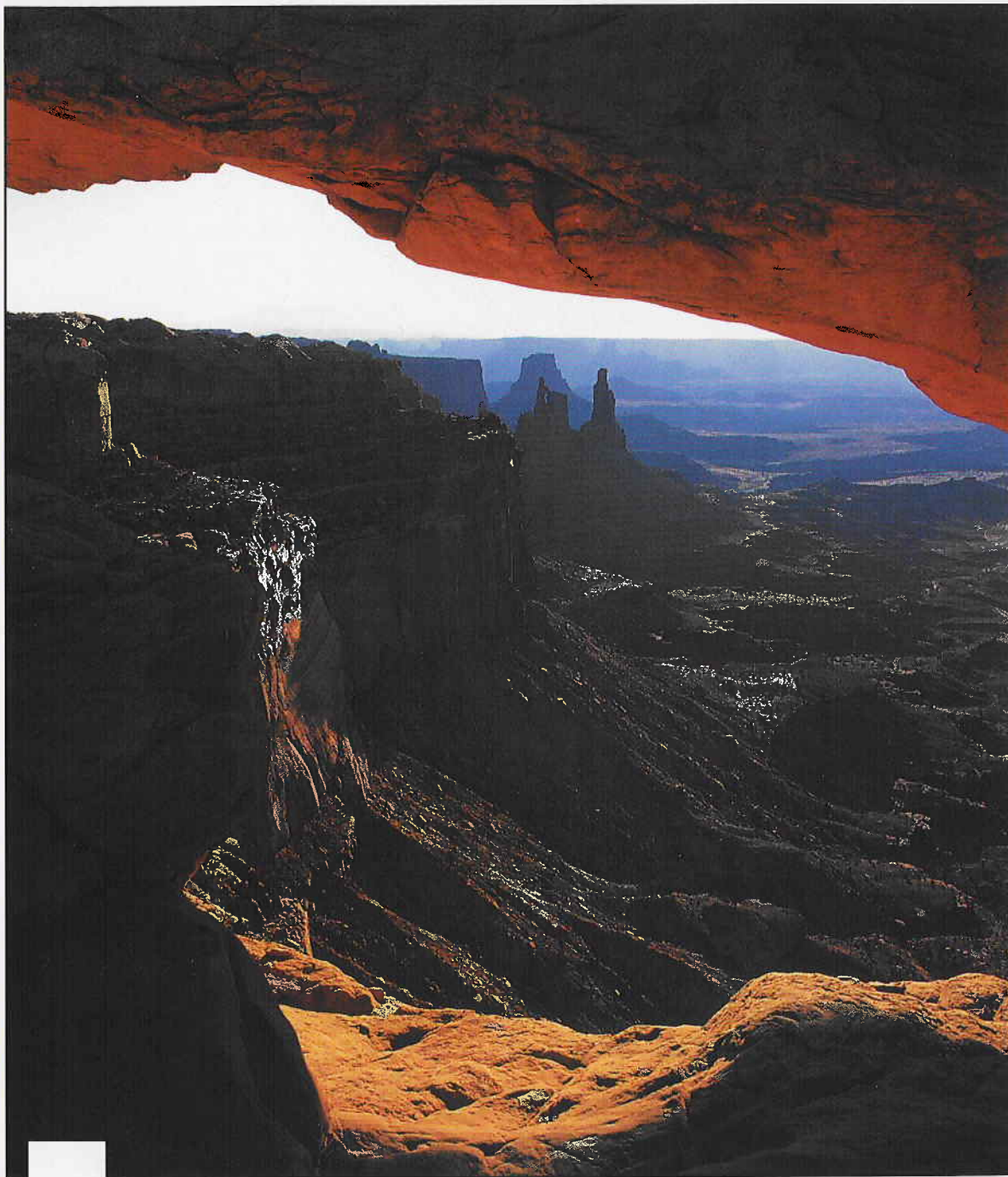


# UTAH BAR JOURNAL

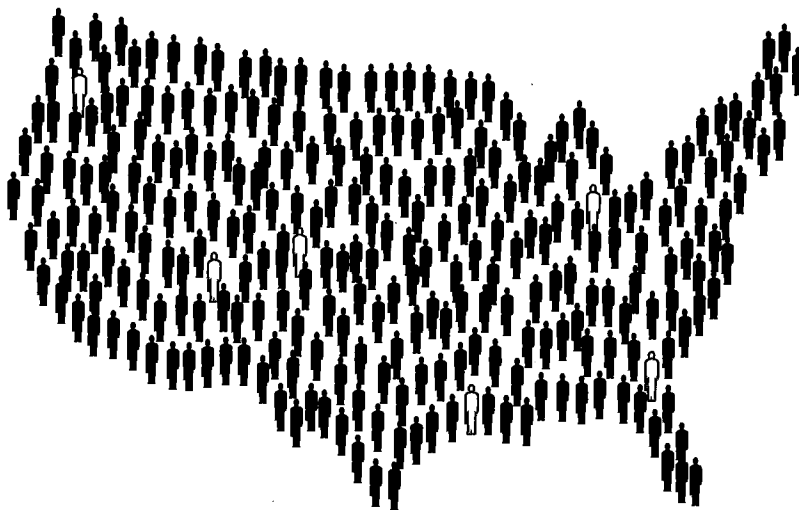
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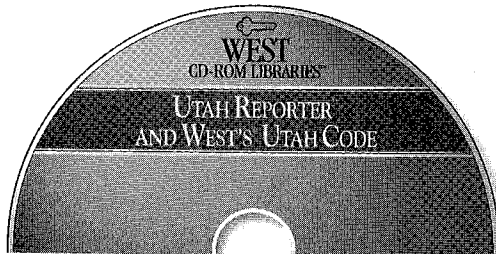
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**VISION OF THE BAR:** To lead society in the creation of a justice system that is understood, valued, respected and accessible to all.

**MISSION OF THE BAR:** To represent lawyers in the State of Utah and to serve the public and the legal profession by promoting justice, professional excellence, civility, ethics, respect for and understanding of, the law.

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COVER: Mesa Arch, Canyonlands National Park by Bret Hicken

Members of the Utah Bar who are interested in having photographs they have taken of Utah scenes published on the cover of the *Utah Bar Journal* should contact Randall L. Romrell, Randle, Deamer, Zarr, Romrell & Lee, P.C., 139 East South Temple, Suite 330, Salt Lake City, UT, 84111-1169, 531-0441. Send a slide, transparency or print of each scene you want to be considered.

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# LETTERS

Dear Editor:

The article in the June, 1997, issue of the *Utah Bar Journal*, "Are Income Taxes Dischargeable in Bankruptcy?" written by Rex B. Bushman was very informative and well-written. However one correction should be made. The article states that a tax obligation is not discharged if the tax return was not filed, or a fraudulent return was filed. That is generally correct as to discharge under Chapter 7 of the Bankruptcy Code and under Chapter 13 of the Bankruptcy Code, Section 1328(b) if discharge is granted prior to the completion of plan payments under the plan. A careful reading of Section 523(a)(1)(B)(i), Bankruptcy Code, in which tax returns that are not filed, or fraudulent tax returns, finds that an exception to discharge is not applicable to a discharge under Section 1328(a) of the Bankruptcy Code, in which discharge is given after the completion of all plan payment. Therefore tax indebtedness in which tax returns were not filed, or fraudulent tax returns, are dischargeable after completion of all plan payments under a chapter 13 plan.

Sincerely,  
Richard R. Grindstaff

Dear Editor:

Having just completed my registration for the Utah State Bar, I feel it is necessary to comment on the generous contribution by the Utah State Bar to the Salt Lake City Courthouse. While I have been a member of the bar for only two years, I have already discovered the egalitarian nature of the Salt Lake County Bar and their influence on the Utah State Bar. This discovery has only been reinforced by the recent decision by the bar to make this contribution to the "The Courthouse" to the exclusion of all others.

While I do not oppose contributions by the bar generally, using bar funds paid by lawyers from the entire state to benefit a limited number of Salt Lake City Attorneys and their clients, ignores the needs of the rest of the state and is not an appropriate use of these funds. It appears that the Utah State Bar has forgotten that the practice of law can and often does occur beyond the Salt Lake County line. In stark contrast to the Salt Lake County Courthouse, the recently completed Weber County Courthouse will be using many of the old fixtures and furniture from the fifty year old building now being vacated

The inequity of this contribution is compounded by the way this contribution has been handled. Instead of asking those attorneys who wish to contribute to make that election, the Commission has required those of us who do not worship at "The Courthouse" to sign, date and certify that yes, as unbelievable as it may be, we do not wish to further contribute to "The Courthouse."

To remedy this situation, I believe that it would be appropriate to establish a fund and a process whereby county bars from across the entire state could apply for a portion of this contribution. Admittedly, even though Salt Lake County would still receive a majority of these funds, at least there would be an appearance of equality and an opportunity for the rest of us to share in this generous contribution.

Sincerely,  
Steven L. Fenton  
Attorney at Law

## Letters Submission Guidelines:

1. Letters shall be typewritten, double spaced, signed by the author and shall not exceed 300 words in length.

2. No one person shall have more than one letter to the editor published every six months.

3. All letters submitted for publication shall be addressed to Editor, Utah Bar Journal and shall be delivered to the office of the Utah State Bar at least six weeks prior to publication.

4. Letters shall be published in order in which they are received for each publication period, except that priority shall be given to the publication of letters which

reflect contrasting or opposing viewpoints on the same subject.

5. No letter shall be published which (a) contains defamatory or obscene material, (b) violates the Code of Professional Conduct, (c) is deemed execrable, calumnious, oblique or lacking in good taste, or (d) otherwise may subject the Utah State Bar, the Board of Commissioners or any employee of the Utah State Bar to civil or criminal liability.

6. No letter shall be published which advocates or opposes a particular candidacy for a political or judicial office or which contains a solicitation or advertisement for a

commercial or business purpose.

7. Except as otherwise expressly set forth herein, the acceptance for publication of letters to the editor shall be made without regard to the identity of the author. Letters accepted for publication shall not be edited or condensed by the Utah State Bar, other than as may be necessary to meet these guidelines.

8. The Editor, or his or her designee, shall promptly notify the author or each letter if and when a letter is rejected.





## 1997-1998 Bar Year

*By Charlotte L. Miller*

I am looking forward to serving the next year as President of the Utah State Bar. At the Annual Meeting in Sun Valley I was struck by the number of lawyers I still do not know. For those of you who I don't know, let me introduce myself, and I hope you will do the same next time I see you. I am currently the Chief Administrative Officer and Senior Vice President of Summit Family Restaurants Inc., a company with 4,500 employees that operates JB's Restaurants, Galaxy Diners, and HomeTown Buffets in eight western states. Summit is now owned by the company that operates Carls, Jr's. So, yes my family does eat out a lot. I have had the opportunity to practice law in a variety of organizations, including Watkiss & Saperstien, Moyle & Draper, a partnership with Jathan Janove, and as a clerk for Justice Stewart at the Utah Supreme Court. I grew up in St. Louis, Missouri and taught high school English in Jefferson City. Prior to attending law school at the University of Utah, I worked as a secretary and legal assistant for Parsons Behle & Latimer when it only needed one column on its letterhead. My family consists of three children (Nic 13; Annie 9; and Cristina 7), and my husband, Greg Skordas, who is the famous attorney in the family. Many newer attorneys in Utah know my brother, Lewis Miller, who is

also a lawyer in the restaurant business as CEO of Magellan's Wraps. In the last week, I have been asked if I was related to Roger Miller, and a lawyer told my husband that I was first in my law class. I am not related to Roger (or Larry). Luckily, no one has ever asked me my law school ranking and conveniently I have forgotten it after all of these years, but I am certain I was not first.

As President of the Bar, I would like your participation and comment on projects planned for next year. Some of these projects are described below. Throughout the year I will try to update you on additional projects. If you have ideas or suggestions about any of these items please feel free to contact John Baldwin, Executive Director of the Bar, or me. I look forward to hearing from you.

**Consumer Hotline.** The Bar is initiating a Consumer Hotline for clients to utilize to help solve problems with lawyers and the legal system. We have advertised for the position of manager of the Hotline and by the time this is printed we hope to have the individual in place. The Hotline will enable clients who have problems with their lawyers to talk to someone about the problem and how to solve the problem without the bureaucracy of filing a complaint with the Office of Attorney Discipline. It provides a constructive outlet for the unhappy client,

so that the client may find ways to solve the problem rather than complain to ten friends who cannot help. Also, the Hotline allows the attorney an opportunity to resolve problems with clients without the involvement of the discipline process. In other states where this program has been implemented, there has been a decrease in the number of discipline complaints, especially those complaints associated with lack of response by attorneys. The Hotline will be separate and apart from the Office of Attorney Discipline, but the Hotline may help reduce the workload of the OAD, while solving clients' concerns and helping lawyers whose clients are unhappy.

**Access to Justice Task Force.** The Access to Justice Task Force has issued its Preliminary Report, and the Bar Commission should be reviewing and acting on the recommendations in August or September. The Task Force has held several meetings to solicit reactions to the Preliminary Report, and suggestions about the recommendations. If you have not yet provided input to the Task Force or Bar Commissioners, please do so soon.

**Committees.** By now all of you who volunteered to be on a Bar Committee should have received a letter of appointment to one or more Committees. If you have not, please call me. If you volun-

teered and did not receive an appointment letter, it was an unintentional oversight. In lugging the volunteer forms from home to my office to the Bar office, I could have sent it to school with the children's homework or filed it with the most recent JB's marketing plan. I am not generally disorganized, but I do have my chaotic moments (or months). So please do not be embarrassed to call me and tell me you volunteered and were ignored. It would be my error and I would like the opportunity to correct it.

**CLE Committee.** This year the Continuing Legal Education Committee will solicit from members information about suggested changes to the MCLE (Mandatory Continuing Legal Education) rules. The Committee will make recommendations to the Bar Commission, and the Commission will determine which (any, all or part) recommendations the Commission will make to the MCLE Board. The chairs of the Committee are Phyllis Vetter and David Crapo. Please contact them with any suggestions.

**Quality Control Committee.** We are re-establishing this committee of Charles

Brown, Paul Moxley and Debra Moore. This committee grew out of a conference (which included participants from a variety of committees, sections, and the judiciary) held by Paul Moxley when he was President of the Bar. The committee has developed some recommendations that it is going to review and present to the Commission within the next six months.

**Committee and Section Chair, and local Bar leader Workshop.** All Committees, Sections, and local Bar organizations are invited to send their Chairs (or other member) to a workshop scheduled for the afternoon of September 19th. We will have presentations by some of the attendees, as well as a discussion of the legislative process, judicial evaluations, pro bono programs, and committee, section and local Bar goals.

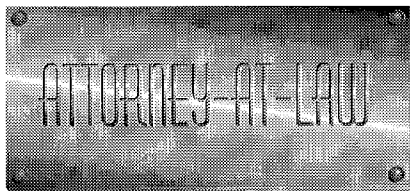
**Election of President-Elect and Commissioners.** Each year the Commission discusses whether the Bar should change its election process for the Commissioners and President-Elect. Denise Dragoo has agreed to chair a committee that examines the election procedures, reviews the procedures in other states, and will make recommenda-

tions to the Commission. If you have recommendations about the election procedures, please contact Denise Dragoo.

**Appointments and Awards.** Throughout the year the Bar Commission makes appointments to a variety of positions and presents awards to Bar members and others. Please do not assume that these appointments and award recipients are predetermined. Every nominee is considered. I encourage each of you to make a special point of nominating a colleague for the appointments and awards, and to apply for such appointments yourself. Notices of the awards and appointments will be printed in the *Bar Journal*, and reminder letters will be sent to Section and Committee Chairs.

**Annual Meetings.** Many of you asked me about the locations for future Annual Meetings. The 1998 Annual Meeting will be held in Sun Valley. Make your reservations early since the Meeting will end on Saturday July 4th, and Sun Valley has told us that many of the condominium owners like to stay in their condominiums rather than lease them out over the Fourth of July. Bill Walker and Elizabeth Dunning are Chairs of the 1998 Annual Meeting. If you have suggestions for the meeting, please contact them. The 1999 Annual Meeting is scheduled for Park City, although we have not yet signed contracts with the specific facilities. The Park City meeting will allow more participation by Government and small firm lawyers. There are some great facilities in Park City, and I believe this will be an exciting meeting for the Bar. If you have suggestions for locations of future meetings, please contact Monica Jergensen at the Bar Office. She is the one who makes the meetings successful.

I am enthusiastic about the next year and I am honored to have been given the opportunity to serve as President of the Bar. Please help me by letting me know how the bar can better serve its members.



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